

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 1039

94TH GENERAL ASSEMBLY

2008

4804L.04T

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## AN ACT

To repeal sections 190.094 and 190.335, RSMo, and to enact in lieu thereof two new sections relating to emergency services.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 190.094 and 190.335, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 190.094 and 190.335, to  
3 read as follows:

190.094. [In any county of the second classification containing part of a  
2 city which is located in four counties and any county bordering said county on the  
3 east and south and in any county of the third classification with a population of  
4 at least eight thousand four hundred but less than eight thousand five hundred  
5 inhabitants containing part of a lake of nine hundred fifty-eight miles of shoreline  
6 but less than one thousand miles of shoreline each ambulance.] **1. Any  
7 ambulance licensed in this state, when [in use] used as an ambulance and  
8 staffed with volunteer staff, shall be staffed with a minimum of one  
9 emergency medical technician and one other crew member [as set forth in rules  
10 adopted by the department] who may be a licensed emergency medical  
11 technician, registered nurse, physician, or someone who has a first  
12 responder certification.**

13 **2.** When transporting a patient, at least one licensed emergency medical  
14 technician, registered nurse, or physician shall be in attendance with the patient  
15 in the patient compartment at all times.

16 **3. For purposes of this section, "volunteer" shall mean an**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 **individual who performs hours of service without promise, expectation**  
18 **or receipt of compensation for services rendered. Compensation such**  
19 **as a nominal stipend per call to compensate for fuel, uniforms, and**  
20 **training shall not nullify the volunteer status.**

190.335. 1. In lieu of the tax levy authorized under section 190.305 for  
2 emergency telephone services, the county commission of any county may impose  
3 a county sales tax for the provision of central dispatching of fire protection,  
4 including law enforcement agencies, emergency ambulance service or any other  
5 emergency services, including emergency telephone services, which shall be  
6 collectively referred to herein as "emergency services", and which may also  
7 include the purchase and maintenance of communications and emergency  
8 equipment, including the operational costs associated therein, in accordance with  
9 the provisions of this section.

10 2. Such county commission may, by a majority vote of its members, submit  
11 to the voters of the county, at a public election, a proposal to authorize the county  
12 commission to impose a tax under the provisions of this section. If the residents  
13 of the county present a petition signed by a number of residents equal to ten  
14 percent of those in the county who voted in the most recent gubernatorial  
15 election, then the commission shall submit such a proposal to the voters of the  
16 county.

17 3. The ballot of submission shall be in substantially the following form:

18 Shall the county of ..... (insert name of county) impose a  
19 county sales tax of ..... (insert rate of percent) percent for the purpose of  
20 providing central dispatching of fire protection, emergency ambulance service,  
21 including emergency telephone services, and other emergency services?

22  YES  NO

23 If a majority of the votes cast on the proposal by the qualified voters voting  
24 thereon are in favor of the proposal, then the ordinance shall be in effect as  
25 provided herein. If a majority of the votes cast by the qualified voters voting are  
26 opposed to the proposal, then the county commission shall have no power to  
27 impose the tax authorized by this section unless and until the county commission  
28 shall again have submitted another proposal to authorize the county commission  
29 to impose the tax under the provisions of this section, and such proposal is  
30 approved by a majority of the qualified voters voting thereon.

31 4. The sales tax may be imposed at a rate not to exceed one percent on the  
32 receipts from the sale at retail of all tangible personal property or taxable

33 services at retail within any county adopting such tax, if such property and  
34 services are subject to taxation by the state of Missouri under the provisions of  
35 sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to  
36 thirty-six months before operation of the central dispatching of emergency  
37 services.

38 5. Except as modified in this section, all provisions of sections 32.085 and  
39 32.087, RSMo, shall apply to the tax imposed under this section.

40 6. Any tax imposed pursuant to section 190.305 shall terminate at the end  
41 of the tax year in which the tax imposed pursuant to this section for emergency  
42 services is certified by the board to be fully operational. Any revenues collected  
43 from the tax authorized under section 190.305 shall be credited for the purposes  
44 for which they were intended.

45 7. At least once each calendar year, the governing body shall establish a  
46 tax rate, not to exceed the amount authorized, that together with any surplus  
47 revenues carried forward will produce sufficient revenues to fund the  
48 expenditures authorized by this act. Amounts collected in excess of that  
49 necessary within a given year shall be carried forward to subsequent years. The  
50 governing body shall make its determination of such tax rate each year no later  
51 than September first and shall fix the new rate which shall be collected as  
52 provided in this act. Immediately upon making its determination and fixing the  
53 rate, the governing body shall publish in its minutes the new rate, and it shall  
54 notify every retailer by mail of the new rate.

55 8. Immediately upon the affirmative vote of voters of such a county on the  
56 ballot proposal to establish a county sales tax pursuant to the provisions of this  
57 section, the county commission shall appoint the initial members of a board to  
58 administer the funds and oversee the provision of emergency services in the  
59 county. Beginning with the general election in 1994, all board members shall be  
60 elected according to this section and other applicable laws of this state. At the  
61 time of the appointment of the initial members of the board, the commission shall  
62 relinquish and no longer exercise the duties prescribed in this chapter with  
63 regard to the provision of emergency services and such duties shall be exercised  
64 by the board.

65 9. The initial board shall consist of seven members appointed without  
66 regard to political affiliation, who shall be selected from, and who shall represent,  
67 the fire protection districts, ambulance districts, sheriff's department,  
68 municipalities, any other emergency services and the general public. This initial

69 board shall serve until its successor board is duly elected and installed in  
70 office. The commission shall ensure geographic representation of the county by  
71 appointing no more than four members from each district of the county  
72 commission.

73           10. Beginning in 1994, three members shall be elected from each district  
74 of the county commission and one member shall be elected at large, such member  
75 to be the chairman of the board. Of those first elected, four members from  
76 districts of the county commission shall be elected for terms of two years and two  
77 members from districts of the county commission and the member at large shall  
78 be elected for terms of four years. In 1996, and thereafter, all terms of office  
79 shall be four years.

80           11. Notwithstanding the provisions of subsections 8 to 10 of this section  
81 to the contrary, in any county of the first classification with more than two  
82 hundred forty thousand three hundred but fewer than two hundred forty  
83 thousand four hundred inhabitants, any emergency telephone service 911 board  
84 appointed by the county under section 190.309 which is in existence on the date  
85 the voters approve a sales tax under this section shall continue to exist and shall  
86 have the powers set forth under section 190.339.

87           **12. (1) Notwithstanding the provisions of subsections 8 to 10 of**  
88 **this section to the contrary, in any county of the second classification**  
89 **with more than fifty-four thousand two hundred but fewer than**  
90 **fifty-four thousand three hundred inhabitants that has approved a sales**  
91 **tax under this section, the county commission shall appoint the**  
92 **members of the board to administer the funds and oversee the**  
93 **provision of emergency services in the county.**

94           **(2) The board shall consist of seven members appointed without**  
95 **regard to political affiliation. Each member shall be one of the**  
96 **following:**

97           **(a) The head of any of the county's fire protection districts, or a**  
98 **designee;**

99           **(b) The head of any of the county's ambulance districts, or a**  
100 **designee;**

101           **(c) The county sheriff, or a designee;**

102           **(d) The head of any of the police departments in the county, or**  
103 **a designee; and**

104           **(e) The head of any of the county's emergency management**

105 organizations, or a designee.

106 (3) Upon the appointment of the board under this subsection, the  
107 board shall have the power provided in section 190.339 and shall  
108 exercise all powers and duties exercised by the county commission  
109 under this chapter, and the commission shall relinquish all powers and  
110 duties relating to the provision of emergency services under this  
111 chapter to the board.

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Bill

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